IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

IITED STATES OF AMERICA	0.0014.1000
Plaintiff,) 8:08MJ238)
vs.) DETENTION ORDER
NCENT GEPSON,) }
Defendant.	'
Order For Detention After waiving a detention hearing pursuant Act on December 17, 2008 (Filing No. 1 defendant detained pursuant to 18 U.S.C. §	3), the Court orders the above-named
conditions will reasonably assure the	because it finds: ence that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions
maximum of twenty years X (b) The offense is a crime of C The offense involves a na	nd includes the following: e offense charged: in violation of 18 U.S.C. § 82113 carries a s imprisonment. violence.
may affect wheth The defendant hat X The defendant hat X The defendant hat X The defendant of ties. Past conduct of the defendant hat The defendant hat X The defendant hat The defendant hat X The defendant hat X The defendant hat Court proceeding (b) At the time of the current Probation Parole	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at
	Plaintiff, vs. NCENT GEPSON, Defendant. Order For Detention After waiving a detention hearing pursuant Act on December 17, 2008 (Filing No. 1 defendant detained pursuant to 18 U.S.C. § Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the X By clear and convincing evidence tha will reasonably assure the safety of a will reasonably assure the self-endant of the current of the current probation will reasonably assure the self-endant in the defendant in the defendant in the safety of a will reasonably assure the safety of a will reas

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		(c) Other Factors:
		The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
		The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:
X	(4)	The nature and seriousness of the danger posed by the defendant's
		release are as follows: The nature of the charges in the Complaint and the
		extensive criminal history of the defendant.
<u>X</u>	(5)	
		In determining that the defendant should be detained, the Court also relied
		on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
		which the Court finds the defendant has not rebutted:
	X	(a) That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves:
		X (1) A crime of violence; or
		(2) An offense for which the maximum penalty is life
		imprisonment or death; or (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, <u>and</u> the defendant has a prior conviction for one
		of the crimes mentioned in (1) through (3) above which
		is less than five years old and which was committed
		while the defendant was on pretrial release.
	X	(b) That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable
		cause to believe:
		X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
		(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in
		relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation 2. with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 18, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge